



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 166

WASHINGTON, MONDAY, JUNE 22, 2020

No. 114

## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the source of our joy, we are grateful that You still speak to us. Continue to communicate with our lawmakers through the voice of conscience. Enable them to maintain a clear conscience before You and humanity.

Continue to speak to our Senators through the precepts in Your sacred Word, providing them with a lamp for their feet and a light for their path as they navigate through this challenging season. Lord, continue to speak to them through the unfolding of Your powerful providence, opening doors You desire them to walk through and closing doors that lead them away from glorifying You. And, Lord, when You speak to our lawmakers, give them the wisdom to listen and obey.

We pray in Your gracious Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRESIDENT'S EXECUTIVE ORDER

Mr. GRASSLEY. Mr. President, President Trump recently signed an

Executive order requiring common-sense administrative steps to promote police accountability. Democrats immediately criticized it as weak and insufficient to combat racial injustice, citing the need for changing laws. Of course, this is an Executive order. In itself, it does not and cannot solve the whole problem.

This reminds me of when the President was criticized for not ordering a nationwide lockdown, despite having no such power, and then was accused of being a dictator for suggesting that he had a role in reopening the economy.

The President deserves credit for taking steps within his authority to improve police accountability, but he cannot change the law.

Congress must now work and do it in a bipartisan way to do what we can within the scope of our constitutional authority to make things better.

You cannot legislate away racial injustice overnight, but Federal, State, and local laws must reflect our national creed that all people are created equal.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### THE JUSTICE ACT

Mr. McCONNELL. Mr. President, while the House continues to be absent, the Senate continues to be open for business. While taking smart precautions, Senators have stood with all the other essential workers who are continuing to man essential posts. So as our Nation continues to work through medical, economic, and social challenges of historic proportions, the Senate has been able to lead on serious action to help our Nation heal.

The killings of Black Americans, such as Breonna Taylor and George

Floyd, have rightly accelerated the national conversation on policing and racial justice. Large majorities of Americans support new steps that would help the vast majority of good, decent, and brave law enforcement officers re-earn the trust of Black Americans for their vital institutions.

We need to be a country where communities of color feel confident that the police are there to safeguard their rights to equal justice and equal protection under law and not to infringe on those rights.

To that end, while the Constitution means many of the specifics of police reform are primarily State and local issues, there is an enormous appetite in the Senate to incentivize change and move toward greater progress using Federal policy.

The junior Senator from South Carolina has led the development of a strong new proposal. The JUSTICE Act is informed by data, by the facts, by stories from across America, and, sadly, by his own lived experience. It enjoys the support of 46 cosponsors already.

The legislation Senator SCOTT has put forward identifies productive ways that Congress can encourage and incentivize smart police reform efforts in communities all across our country.

Recognizing the urgent need for greater accountability, it supports expanded use of body cameras and expanded review and disciplinary measures to back them up.

Recognizing the need for more transparency, it steps up efforts to establish the records of police activities and requires full Federal reporting of all incidents involving the discharge of a service weapon.

The bill takes immediate action to help end departments' reliance on choke holds and to facilitate enhanced training for deescalation. It includes further steps to protect the physical safety of people in custody and to finally—finally make lynching a Federal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S3113

crime. It lays out new requirements for departments to explain their policies on how, when, and why no-knock warrants are used. On behalf of the many people looking for answers in my hometown of Louisville, I am, unfortunately, especially interested in that provision.

In recent weeks, the Democratic leader and many of our colleagues on the other side of the aisle have insisted—insisted—over and over and over again that they wanted to consider legislation on this subject prior to the Fourth of July. My friend the Democratic leader repeatedly expressed how eager—eager he was to consider these issues here on the Senate floor, but now we read this: “Senate Democrats are agonizing over what to do about Senate Republicans’ police reform proposal.” What is there to agonize over?

And we read this: “[The] Senate Democratic leader . . . faces a tough call on whether to let a Republican-backed police reform bill advance on the Senate floor.”

“Agonizing”? “Tough call”? It seems to me that proceeding to consider Senator SCOTT’s legislation, proceeding to take up the subject on the Senate floor, would only be an agonizing prospect if Members were more interested in making a point than in actually making a law.

For anyone who actually wants to legislate, it shouldn’t be a difficult call to vote to begin considering Senator SCOTT’s legislation. It will be exactly the vote which this moment demands.

Last week, I understand the Speaker of the House herself said: “We’d like to end up in conference” on police reform legislation. The only way to do that would be if the Senate passed a bill. Even the Speaker does not seem to understand why Senate Democrats would block this Chamber from even considering the JUSTICE Act.

Senator SCOTT and Senate Republicans are interested in making a law. The President and the administration want to make a law, and even the Democratic House leadership apparently would be happy to see a conference committee. So maybe the only group left in Washington who are reportedly agonizing over whether to block discussion of police reform or to let it proceed seem to be our Senate Democratic colleagues.

I hope that whatever strange political calculations are making this difficult for our friends across the aisle will yield to common sense and to the American people’s hunger for progress. We are going to find out when we vote later this week.

## LEGISLATIVE SESSION

### JUST AND UNIFYING SOLUTIONS TO INVIGORATE COMMUNITIES EVERYWHERE ACT OF 2020—Motion to Proceed

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 480, S. 3985.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 480, S. 3985, to improve and reform policing practices, accountability and transparency.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 480, S. 3985, a bill to improve and reform policing practices, accountability, and transparency.

Mitch McConnell, Cory Gardner, Ben Sasse, Steve Daines, Rob Portman, John Cornyn, David Perdue, Joni Ernst, James Lankford, Roger F. Wicker, Mike Crapo, Thom Tillis, Todd Young, Michael B. Enzi, John Hoeven, Tim Scott, Lindsey Graham.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Cory T. Wilson, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### JUSTICE IN POLICING ACT

Mr. SCHUMER. Mr. President, the American people are crying out for major, significant changes in policing in this country. Being killed by the police is now the sixth leading cause of death for young men in America. Young Black men are 2.5 times more likely than White men to be killed by police, while Black women are 1.4 times more likely than White women to be killed by police.

As hundreds of thousands of Americans of all ages and colors take to the streets to demand change, we need legislation that rises to the moment. So Democrats introduced a bill 3 weeks ago that would bring strong, comprehensive, and lasting change to police departments across America: the Justice in Policing Act.

Our colleagues in the House are expected to pass that bill this week. However, here in the Senate, our Republican colleagues have responded to our comprehensive proposal with an approach that is piecemeal and halfhearted. The longer you look at the Republican policing reform effort, the more obvious are the shortcomings and deficiencies.

The Republican bill does nothing—nothing to reform the legal standards that shield police from accountability for violating Americans’ constitutional rights. The Republican bill does nothing—nothing to encourage independent investigations of police departments with patterns and practices that violate the Constitution. The Republican bill does nothing—nothing to reform the use of force standard, nothing—nothing on qualified immunity, nothing on racial profiling, and nothing on limiting the transfer of military equipment to police departments.

The Republican bill doesn’t even truly ban choke holds or no-knock warrants. It leaves major loopholes when it comes to choke holds and only requires more data on no-knock warrants. More data would not have saved Breonna Taylor’s life. Allowing police to use choke holds whenever they say that deadly force is necessary is not going to save lives.

We need a bill that achieves genuine police reform. The Republican proposal comes across like a list of suggestions.

I would repeat this important warning: If we pass a bill that is ineffective and the killings continue and police departments resist change and there is no accountability, the wound in our society will not close; it will fester. This is not about making an effort or dipping our toes in the water. It must be about solving a problem that is taking the lives of too many Black Americans.

This is not a time for studies or commissions or tinkering around the edges.